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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/758,911

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Luke Surazski

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09/08/2004

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EXAMINER

WONG, BLANCHE

ART UNIT

PAPER NUMBER

2667

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,911

Applicant(s)

SURAZSKI ET AL.

Examiner

Blanche Wong

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 18-20, 23-34, 40-42, 45-56, 62-64 and 67-84 is/are rejected.
- 7) ☒ Claim(s) 13-17, 21, 22, 35-39, 43, 44, 57-61, 65, 66 and 85-87 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: misspelling and mislabeling. On p.2, ln. 20, -- VoP -- should be "VoIP". On p.4, ln. 1, -- the system of Fig. 2 -- is not a system because it is referred to as a method on p.6.

Appropriate correction is required.

Claim Objections

2. **Claim 73** is objected to because of the following informalities: missing "to". Claim 73, ln. 1, -- configured route -- should read "configured to route." Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. **Claims 1,4-12,23,26-34,45,48-56,67,70-83** are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Lund (U.S. Pat No. 6,658,100).

With regard to claims 1, 23 and 45, Lund discloses a method, device, and program storage device readable by a machine, for providing an improved interface to a caller during the initiation of a VoIP call comprising (see also Fig. 3 and col. 4, ln. 8-col. 5, ln. 16):

placing, by the caller (calling party, col. 3, ln. 20 and 22; see also Fig. 4), a request for information (it is inherent when a caller places a call or telephony call request or request to talk, s/he is expecting at least a connection if the called party is not busy and a connection is possible, or a busy signal) regarding a party to be called;

returning a URL (col. 3, ln. 23-24; see also Fig. 4) responsive to said request;
and

displaying 14 (col. 2, ln. 13; see also Fig. 4 and col. 3, ln. 27) to said caller one or more connection options (types of services, col. 2, ln. 65-col. 3, ln. 9; see also col. 1, ln. 49-51) corresponding to said URL;

as recited in claim 1.

With regard to claims 4,26,48,72, Lund further discloses entering a phone number (number dialed, col. 3, ln. 21 and 24; see also Fig. 4; keyboard, col. 2, ln. 12)

into an originating phone (smart or intelligent phone, col. 2, ln. 6-16; see also Fig. 1), as recited in claim 4.

With regard to claims 5,27,49,73, Lund further discloses routing to a protocol server 22,24,26,28 (SSP, col. 2, ln. 20-22 and ln. 25; see also Fig. 2), as recited in claim 5.

With regard to claims 6,28,50,79, Lund further discloses routing from said protocol server to a mapping service 38,40 (SCP, col. 2, ln. 20-22 and ln. 27; see also Fig. 2), as recited in claim 6.

With regard to claims 7,29,51,81, Lund further discloses mapping (col. 2, ln. 17-27), by mapping service, said request to a URL (col. 3, ln. 25-26), as recited in claim 7. See also col. 3, ln. 29-58.

With regard to claims 8,30,52,82, Lund further discloses providing said URL to a protocol server (col. 3, ln. 23-24), as recited in claim 8. See also col. 3, ln. 29-58.

With regard to claims 9,31,53,83, Lund further discloses providing said URL to an originating phone (col. 3, ln. 27-28), as recited in claim 9. See also col. 3, ln. 29-58.

With regard to claims 10,32,54,74, Lund further discloses accessing the URL through a protocol server 22,24,26,28 (SSP, col. 2, ln. 20-22 and ln. 25; see also Fig. 2), as recited in claim 10. See also col. 3, ln. 29-58.

With regard to claims 11,33,55,75, Lund further discloses access a web page (col. 3, ln. 27) corresponding to said URL. See also col. 3, ln. 29-58.

With regard to claim 67, Lund discloses an apparatus for providing an improved interface to a caller during the initiation of a VoIP call comprising: a web phone 10 (smart or intelligent phone, Fig. 1; see also col. 2, ln. 6-16) configured to receive a request from a caller for information regarding a party to be called and providing one or more connection options corresponding to said request, as recited in claim 67.

With regard to claim 70, Lund further discloses a webphone that is configured to receive a URL (col. 3, ln. 23-24; see also Fig. 4) responsive to said request, as recited in claim 70.

With regard to claim 71, Lund further discloses a webphone that is configured to provide caller one or more connection options (types of services, col. 2, ln. 65-col. 3, ln. 9; see also col. 1, ln. 49-51) corresponding to said URL, as recited in claim 71.

With regard to claim 76, Lund further discloses SIP (It is inherent that SIP, a de facto standard protocol in IP telephony, is used to transmit data.), as recited in claim 76.

With regard to claim 77, Lund discloses an apparatus for providing an improved interface to a caller during the initiation of a VoIP call comprising: a system 20, 61 (modern AIN telephone network in Fig. 2 and non-AIN network in Fig. 33, col. 2, ln. 17-col. 3, ln. 18 and col. 3, ln. 59-col. 4, ln. 14, respectively) configured to receive a request placed by a caller for information regarding a party to be called; returning a URL responsive to said request; and providing to said caller one or more connection options corresponding to said URL, as recited in claim 77.

With regard to claim 78, Lund further discloses a protocol server 22,24,26,28 (SSP, col. 2, ln. 20-22 and ln. 25; see also Fig. 2) configured to receive said entered phone number (number dialed, col. 3, ln. 21 and 24; see also Fig. 4) from said originating phone (smart or intelligent phone, col. 2, ln. 6-16; see also Fig. 1), as recited in claim 78.

With regard to claim 80, Lund further discloses returning a URL (col. 3, ln. 23-24; see also Fig. 4) responsive to said request, as recited in claim 80.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 2,3,18-20,24,25,40-42,46,47,62-64,68,69,84** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lund in view of Haserodt (U.S. Pat No. 6,031,836).

With regard to claims 2,24,46,68, Lund discloses the method, device, and program storage device readable by a machine, of claim 1. However, Lund fails to explicitly show choosing, by said caller, at least one of said one or more connection options, as recited in claim 2.

Haserodt discloses choosing (selecting, col. 3, ln. 59), by said caller, at least one of said one or more connection options (telephony features, col. 3, ln. 24 and ln. 58-62). See also Fig. 2.

A person of ordinary skill in the art would have been motivated to employ Haserodt in Lund in order to obtain choice of connection options or telephony features. The suggestion/motivation to do so would have been to provide for interactive feature servers over the Internet. Haserodt, col. 1, ln. 45-46. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to combine Haserodt and Lund to obtain the invention as specified in claim 2.

With regard to claims 3,25,47,69,84, Haserodt further discloses placing a call (col. 4, ln. 41-60) responsive to said one or more connection options chosen by said caller, as recited in claim 3.

With regard to claims 12,34,56, Lund further discloses SIP (It is inherent that SIP, a de facto standard protocol in IP telephony, is used to transmit data.), as recited in claim 12.

With regard to claims 18,40,62, Haserodt further discloses routing a session request (telephone call request, col. 4, ln. 52) corresponding to said connection option to a protocol server 107 (gateway, col. Col. 4, ln. 53), as recited in claim 18.

With regard to claims 19,41,63, Haserodt further discloses routing said session request by said protocol server to a mapping service 110 (telephone network to telephones 111-112, col. 4, ln. 55-56), as recited in claim 19.

With regard to claims 20,42,64, Haserodt further discloses executing said selected connection options (col. 3, ln. 9-col. 6, ln. 11), as recited in claim 20.

Allowable Subject Matter

7. **Claims 13-17,21,22,35-39,43,44,57-61,65,66,85-87** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chack (U.S. Pat No. 6,438,599) discloses a method and apparatus for establishing communication between a transaction initiator and a transaction processing system. The call initiation via webpages is similar to Haserodt.

Enzmann et al. (U.S. Pat No. 6,687,242 and 6,516,203) discloses a method and system for providing additional information to subscriber based on URL.

Hjalmtysson et al. (U.S. Pat No. 6,493,325) discloses a method and apparatus for providing telephony over a computer network which does not require having the same telephone application at the end devices.

Jennings (U.S. Pat No. 6,717,593) discloses a mark-up language implementation of graphical or non-graphical user interfaces, including displaying choices of input elements like buttons, radio buttons, and text entry. Col. 7, ln. 31.

Khouri et al. (U.S. Pat No. 6,678,718) discloses a method and apparatus for establishing connection similar to Haserodt.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BW

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September 6, 2004



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